

§ 163A-159. Duties of heads of State agencies.

(a) The head of each State agency, including the chair of each board subject to this Subchapter, shall take an active role in furthering ethics in public service and ensuring compliance with this Subchapter. The head of each State agency and the chair of each board shall make a conscientious, good-faith effort to assist public servants within the agency or on the board in monitoring their personal, financial, and professional affairs to avoid taking any action that results in a conflict of interest.

(b) The head of each State agency, including the chair of each board subject to this Subchapter, shall maintain familiarity with and stay knowledgeable of the reports, opinions, newsletters, and other communications from the State Board regarding ethics in general and the interpretation and enforcement of this Subchapter. The head of each State agency and the chair of each board shall also maintain familiarity with and stay knowledgeable of the State Board's reports, evaluations, opinions, or findings regarding individual public servants in that individual's agency or on that individual's board, or under that individual's supervision or control, including all reports, evaluations, opinions, or findings pertaining to actual or potential conflicts of interest.

(c) When an actual or potential conflict of interest is cited by the State Board under G.S. 163A-189(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with this Subchapter.

(d) The head of each State agency, including the chair of each board subject to this Subchapter, shall periodically remind public servants under that individual's authority of the public servant's duties to the public under the ethical standards and rules of conduct in this Subchapter, including the duty of each public servant to continually monitor, evaluate, and manage the public servant's personal, financial, and professional affairs to ensure the absence of conflicts of interest.

(e) At the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest under this Subchapter. The chair also shall inquire as to whether there is any known conflict of interest with respect to any matters coming before the board at that time.

(f) The head of each State agency, including the chair of each board subject to this Subchapter, shall ensure that legal counsel employed by or assigned to their agency or board are familiar with the provisions of this Subchapter, including the Ethical Standards for Covered Persons set forth in Article 7 of this Chapter, and are available to advise public servants on the ethical considerations involved in carrying out their public duties in the best interest of the public. Legal counsel so engaged may consult with the State Board, seek the State Board's assistance or advice, and refer public servants and others to the State Board as appropriate.

(g) Taking into consideration the individual autonomy, needs, and circumstances of each agency and board, the head of each State agency, including the chair of each board subject to this Subchapter, shall consider the need for the development and implementation of in-house educational programs, procedures, or policies tailored to meet the agency's or board's particular needs for ethics education, conflict identification, and conflict avoidance. This includes the periodic presentation to all agency heads, their chief deputies or assistants, other public servants under their supervision or control, and members of boards, of the basic ethics education and awareness presentation outlined in G.S. 163A-158 and any other workshop or seminar program the agency head or board chair deems necessary in implementing this Subchapter. Agency heads and board chairs may request reasonable assistance from the State Board in complying with the requirements of this subsection.

(h) As soon as reasonably practicable after the designation, hiring, or promotion of their chief deputies, assistants, or other public servants under their supervision or control, or learning of the appointment or election of other public servants to a board covered under this Subchapter, all agency heads and board chairs shall (i) notify the State Board of such designation, hiring, promotion, appointment, or election and (ii) provide these public servants with copies of this Subchapter and all applicable financial disclosure forms, if these materials and forms have not been previously provided to these public servants in connection with their designation, hiring, promotion, appointment, or election. In order to avoid duplication of effort, agency heads and board chairs shall coordinate this effort with the State Board's staff. (2006-201, s. 1; 2007-347, s. 9(b); 2008-213, ss. 61, 62; 2017-6, s. 3.)